

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MICHAEL BIES,

Petitioner,

-vs-

MARGARET BAGLEY, Warden,

Respondent.

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Case No. 1:00-cv-00682

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District Judge Susan J. Dlott  
Chief Magistrate Judge Michael R. Merz

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**SCHEDULING ORDER**

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This case came on for a scheduling conference by telephone at 9:00 a.m. on Thursday, May 26, 2005. Randall Porter participated on behalf of Petitioner Michael Bies; Charles Wille and Carol Ellensohn represented Respondent Margaret Bagley.

With the agreement of all counsel, the Court adopts the following schedule:

1. No later than June 10, 2005, Petitioner will serve and file a motion to separate his double jeopardy claim for individual adjudication of that claim.
2. Respondent may serve and file her memorandum in opposition within twenty-one days from the date of service set forth in the certificate of service attached to Petitioner's motion in accordance with S.D. Ohio Civ. R. 7.2(a)(2).
3. Petitioner may serve and file his reply memorandum within eleven days after the date of service of the memorandum in opposition pursuant to S.D. Ohio Civ. R. 7.2(a)(2).

May 26, 2005.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge